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11 *Attorneys for Plaintiff, U.S. Bank National Association, as Trustee for the Holders of the First*
12 *Franklin Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2005-FF9*

13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF NEVADA**

15 U.S. BANK NATIONAL ASSOCIATION, AS
16 TRUSTEE FOR THE HOLDERS OF THE
17 FIRST FRANKLIN MORTGAGE LOAN
18 TRUST MORTGAGE PASS-THROUGH
19 CERTIFICATES, SERIES 2005-FF9,

20 Plaintiff,

21 vs.

22 FIDELITY NATIONAL TITLE INSURANCE
23 COMPANY,

24 Defendant.

Case No.: 2:19-cv-00970-KJD-BNW

**STIPULATION TO 1) LIFT STAY, 2)
AMEND COMPLAINT AND 3) SET
RESPONSE DEADLINES**

25 Plaintiff, U.S. Bank National Association, as Trustee for the Holders of the First Franklin
26 Mortgage Loan Trust Mortgage Pass-Through Certificates, Series 2005-FF9 (“U.S. Bank”), and
27 Defendant Fidelity National Title Insurance Company (“Fidelity”) (collectively, the “Parties”),
28 hereby submit the following Stipulation to lift the stay, amend the Complaint, and to set Fidelity’s
response deadline pursuant to this Court’s Order [ECF No. 19]. The Parties, by and through their
undersigned counsel, stipulate and agree as follows:¹

¹ The Parties submit this stipulation without waiver to request a further stay from this Court. There are currently several matters before this Court involving the same defendants, same counsel, similar issues, with dispositive motions pending. *See* ECF Nos. 31 and 40 in *Deutsche Bank National Trust Company v. Fidelity National Title Group, Inc., et al.*, Case No. 2:21-cv-00192-KJD-NJK and ECF Nos. 56 and 70 in *Deutsche Bank National Trust Company v. Fidelity National Title Group, Inc., et al.*, Case No. 2:20-cv-01920-KJD-BNW. Additionally, the Parties

1 1. On June 7, 2019, U.S. Bank filed its Complaint against Fidelity [ECF No. 1];

2 2. Thereafter, on November 27, 2019, the Court granted the Parties' Stipulation to Stay
3 the instant action pending the appeal in *Wells Fargo Bank, N.A. v. Fidelity National Title Ins. Co.*,
4 Ninth Cir. Case No. 19-17332 (District Court Case No. 3:19-cv-00241-MMD-WGZ) ("*Wells Fargo*
5 *II*") [ECF No. 16];

6 3. On November 5, 2021, the Ninth Circuit issued its Memorandum Disposition in *Wells*
7 *Fargo II*, vacating the district court's decision granting dismissal of Wells Fargo's claims and
8 remanding for further proceedings. The mandate issued on November 29, 2021;

9 4. On April 26, 2022, this Court issued its Order requiring the Parties to file a stipulation
10 to lift the stay, including deadlines for U.S. Bank to amend its Complaint [ECF No. 19];

11 5. The Parties hereby agree that the stay shall be lifted;

12 6. The Parties further agree that U.S. Bank shall have thirty (30) days from the entry of
13 the order on this Stipulation to file its amended pleading;

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27 to this action are actively engaged in discovery in dozens of matters that are pending within this
28 jurisdiction, which may overlap and be duplicative of the discovery conducted in this case. To
conserve resources, the Parties are currently evaluating whether this case would benefit from a
further stay.

1 7. The Parties further agree that Fidelity shall have thirty (30) days from the filing of
2 U.S. Bank's amended pleading to file its response.

3 **IT IS SO STIPULATED.**

4 DATED this 16th day of May, 2022.

DATED this 16th day of May, 2022.

5 WRIGHT, FINLAY & ZAK, LLP

SINCLAIR BRAUN LLP

6 /s/ Lindsay D. Dragon, Esq.

/s/ Kevin Sinclair, Esq.

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 2005-FF9

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Title Insurance Company

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14 **IT IS SO ORDERED.**

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16 Dated this 18th day of May, 2022.

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19 UNITED STATES DISTRICT COURT JUDGE
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